

June, 1969

SUPREME COURT DECISION GRANTING PROHIBITION TO BE APPEALED

The Supreme Court of Ontario, in a decision handed down by Mr. Justice C. D. Stewart on May 9, 1969, prohibited the Ontario Human Rights Commission from proceeding with a Board of Inquiry into a case involving Mr. Carl McKay from Jamaica and Mr. K. S. Bell of 30 Indian Road, Toronto. Mr. McKay had alleged that he was denied rental of living accommodation by Mr. Bell because he is black. The Board of Inquiry had been convened by the appointed chairman, Dean Walter Tarnopolsky of the University of Windsor Law School, on April 21, 1969, but was adjourned by the chairman when counsel for Mr. Bell, Mr. William Cuttell, announced that he was filing a motion of application for prohibition of procedure to the Ontario Supreme Court.

Following the May 9th decision of the Supreme Court, Attorney-General A. A. Wishart, Q.C., announced in the Ontario Legislature that the government would immediately appeal Mr. Justice Stewart's decision.

This case has considerable significance for Ontario's Commission and many other jurisdictions with human rights legislation across Canada. We will keep our readers informed on this matter.

AMENDMENTS TO HUMAN RIGHTS LEGISLATION INTRODUCEDOntario Human Rights Code

An Act to amend the Ontario Human Rights Code was introduced into the Ontario Legislature by the Minister of Labour, the Honourable Dalton Bales, Q.C., and received first reading on May 6, 1969. The amendment contains the following provisions:

- 1) The exemption to the employment provisions of the Code involving exclusively religious, philanthropic, educational, fraternal or social organizations will be dropped except in any case where "race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification."
- 2) No person can refuse to employ or discriminate against in any condition of employment or threaten or penalize in any way anyone who makes a complaint under the Code or participates in any way, such as making a disclosure or testifying in any proceedings related to the Code.
- 3) The maximum fines for violations of the Code are increased from \$100 to \$500 for an individual and from \$500 to \$2,000 for a corporation, trade union, employers' organization or employment agency.

Age Discrimination Act

An act to amend the Age Discrimination Act was introduced into the Legislature by the Minister of Labour and received first reading on May 9, 1969. The amendment provides that the Act will bind the Crown in right of Ontario and all its agencies.

SETTLEMENTS INVOLVING BOARDS OF INQUIRY

Several cases have been settled before or following scheduled Boards of Inquiry.

- 1) Mr. Sandor Domokos, a Toronto landlord, has voluntarily signed a Memorandum of Agreement with the Commission following a Board of Inquiry finding that he had discriminated against two black applicants seeking to rent living accommodations at 687 Spadina Avenue because of their race and colour. Professor E. E. Palmer, Associate Dean, University of Western Ontario Law School, conducted the public hearing on October 30, 1968, involving the two complainants, Chief Whiholele Mundebe, who came to Toronto from East Tanzania to study law, and Mr. Dudley Laws, a resident of Toronto originally from Jamaica. Mr. Domokos agreed to inform the complainants of all vacancies for one year and to assist them in finding suitable dwellings the next time these were required should he have none available.
- 2) Mrs. John Szoldatits has voluntarily entered into a Memorandum of Agreement with the Commission following a Board of Inquiry finding that she had discriminated against Miss Vaulda Duncan, a Negro woman from Guyana, who filed a complaint to the effect that she had been refused the rental of living accommodation located at 11 Olive Avenue, Toronto because of her race and colour by Mrs. Szoldatits. Professor Horace Krever conducted the hearing on November 8, 1968. Mrs. Szoldatits agreed to invite Miss Duncan to take the next vacancy in her building and/or to assist her in finding suitable accommodation when this was required.
- 3) Imperial Surgical Company of Canada has settled a formal complaint with the Commission prior to the holding of a Board of Inquiry. The complaint was filed by Mr. Ralph A. Allen, a Toronto Negro, who alleged that he had been denied a position as a customs clerk with the firm because of his race and colour. As part of the settlement, Mr. Allen was invited by the firm to take the next available position.
- 4) Mr. and Mrs. John O'Brien of 101 Fourth Avenue, Ottawa, have complied with the recommendations received by the Commission from Professor W. S. Tarnopolsky, Dean of Law at the University of Windsor, who chaired a Board of Inquiry on May 23, 1968 into a complaint of discrimination against Mr. and Mrs. O'Brien. Miss Monica Mitchell, a Negro, had complained that she had been denied living accommodation because of her race and colour. In settling the case, Mr. and Mrs. O'Brien invited Miss Mitchell to occupy the next vacant accommodation when it occurs and agreed to inform the Commission, the YMCA-YWCA of Ottawa and the Ottawa Jamaican-Canadian Association of any future vacancies for at least one year.

COMPLAINTS AGAINST LANDLORD DISMISSED FOLLOWING BOARD OF INQUIRY

Professor Harry W. Arthurs of Osgoode Hall Law School dismissed three complaints of racial discrimination against Mr. and Mrs. George Rajewski, Toronto landlords, following a Board of Inquiry hearing at which he presided on March 4, 1969, and recommended that no further action be taken.

Professor Arthurs was appointed to hear the complaints of Mr. Ansel Henry, Mr. Kenneth Henry and Mr. Sydney Black, three Negroes from Jamaica, who alleged that they were denied the rental of living accommodation at 160-162 Howard Park Avenue, Toronto, by Mr. and Mrs. Rajewski because of their race and colour.

The Commission has accepted Professor Arthurs' findings and closed the case.

COMMISSION CHAIRMAN RECEIVES HONORARY DEGREE

Dr. Louis Fine, Chairman of the Ontario Human Rights Commission, received the honorary degree of Doctor of Laws from Trent University, Peterborough on May 30, 1969. The degree was conferred on Dr. Fine by Trent Chancellor and former Prime Minister of Ontario, Leslie Frost who, during his premiership, introduced many of the legislative changes now embodied in the Ontario Human Rights Code.

Dr. Fine has headed the Commission since its inception and was for thirty years Chief Conciliation Officer for the Ontario Department of Labour. He was previously honoured with a degree by the University of Windsor.

NEW DOWNTOWN TORONTO OFFICE OPENED

The Commission, in co-operation with the Manpower Services Division of the Department of Labour, has opened a new office in downtown Toronto at 326A College Street. Entitled "Services for Working People," the purpose of the new office will be to make the services offered by the Department more accessible to the people in this area which comprises large numbers of immigrants from Europe and Negroes from the Maritimes and the West Indies. The Department will provide services in the areas of human rights, industrial training, employment standards (minimum wage, overtime pay, vacation pay and equal pay for men and women) and employment counselling for girls and women. A major concern will be to develop relationships with agencies in the area and with ethnic organizations so that problems brought to the office which are not under the direct jurisdiction of the Department may be quickly and effectively referred to the proper source of assistance.

Brochures entitled "Services for Working People," have been published in English, Italian and Portuguese describing the functions of the new office and a portable display in the three languages is now available for use at open houses, festivals, meetings and similar occasions.

WINDSOR ADVISORY COMMITTEE ON EMPLOYMENT PRESENTS REPORT

The Windsor Advisory Committee on Employment which was established under the chairmanship of Mrs. Cameron H. Montrose as a special project for International Year for Human Rights, has finished its proceedings and presented its report to the Honourable Dalton Bales, Q.C., Minister of Labour, on May 30, 1969. The purpose of the Committee was to study and make recommendations regarding the employment problems and opportunities affecting minority groups in the Windsor area. The Committee received briefs from several ethnic groups in the community as well as representations from government and trade union officials. In the report are listed the problems which were brought to the attention of the Committee as well as its recommendations for overcoming them. The report

is now being studied by the Minister of Labour, the members of the Ontario Human Rights Commission, and officials of the Department of Labour.

STAFF CHANGES

Two new Human Rights Officers have been appointed to the staff of the Commission to replace Dr. Eric Sisel and Mr. Brett Mann who resigned this spring. Mr. Michael C. Walker holds the degree of A.B. from the University of Chicago in Political Science and a High School Teacher's Certificate from the Ontario College of Education. Mr. Walker came to the Commission from the Metropolitan Toronto Children's Aid Society where he was employed as a social worker. Prior to that, he worked as Superintendent of Education and Area Supervisor for Brown Camps Limited. This position followed two years at Warrendale School where he held positions as Child Care Worker, Teacher and Principal.

Miss Sitalakshmi Ramanujam has a B.A. and M.A. from Madras University and a Post-Graduate Diploma in Social Work from the Madras School of Social Work. Prior to joining the Commission, Miss Ramanujam was employed as a Welfare Visitor with the Metropolitan Toronto Department of Welfare and, before that, as a supply teacher for the Toronto Board of Education. She has held positions as Social Service Secretary with the Y.M.C.A. in Bombay; Administrative Secretary with the American Friends Service Committee in their head office for South and Southeast Asia in Delhi; and Administrative Secretary of the Indo-American Society in Calcutta.

DIVISION ON THE AGE DISCRIMINATION ACT

Education Program

Since the introduction of the amendment to the Age Discrimination Act which prohibits discriminatory age specifications in employment advertising that would have the effect of excluding older workers from employment opportunities, the Commission has been involved in a wide range of educational programs to ensure that residents of the province are well informed about the amendment. Although discriminatory advertisements are still being found in some newspapers across the province, most papers are making every effort to comply with the legislation.

Legislation Receives Endorsement

Major mailings have been sent out across Ontario to acquaint the public with the Age Discrimination Act and the Commission has received an overwhelmingly favourable response. Employment agencies, in particular, applauded the steps being taken to aid the older job seekers whom they have previously had difficulty placing in employment.

Furthermore, the Commission congratulates the Canadian Manufacturers' Association for the steps taken to inform some 4,000 Ontario members of the amendment on employment advertising. A two-page article appeared in the October issue of their Ontario Division News outlining the new legislation and discussing its interpretation, effects and merits.

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New Brochure Published

The Commission has published a new brochure entitled Guidelines for Employers on the Provisions of the Age Discrimination Act. This brochure outlines the administration and implementation of the Act. It alerts employers to the provisions of the Act in detail, answering many of the questions that are frequently raised regarding this type of legislation. This, together with the Age Discrimination Act itself, is available upon request.

Age Discrimination -- Some Recent Cases

A 62-year-old man was employed by a large insurance firm in Metropolitan Toronto after he complained to the Commission that he had not been given consideration equal to that granted other applicants. Replying to a classified advertisement for an elevator operator, he was told that his application was excellent. However, a few days later, he was notified that the position had been filled by a younger man. Representatives of the Commission met with the employer and were told that the man had, indeed, been refused the job because of his age. In fact, it was stated that company policy set an upper limit of 35 for this position. Commission officers were able to effect a settlement including an invitation to the man to re-apply for the position. Having undergone a medical examination which he passed easily, the complainant was hired for the position and began work shortly thereafter.

A 43-year-old man responded to an advertisement reading "experienced salesmen wanted--age 21 - 30." He stated his age and inquired as to the strictness of the age specification. He was told that all applicants were restricted to this age range and was refused an interview. The man then approached the Commission for aid. After discussion with the personnel manager of the company, the Commission received the co-operation of the firm in re-wording their advertisements to delete the age specification. A written memo was sent to all staff apprising them of company policy to afford equal opportunity to the over-40 worker. The complainant received an invitation to re-apply for the position.

NEWS FROM REGIONAL OFFICES

Southwestern Regional Office

The Southwestern Regional Office, based in Windsor, is in the process of organizing two major educational letters. One is to be sent to all resort areas in the region and the other will go to various community organizations in Windsor. The purpose of the letters is to promote understanding of and compliance with the Ontario Human Rights Code and the Age Discrimination Act and to encourage co-operation with the Commission.

The Amherstburg Mayor's Committee on Race Relations has held several meetings with the South Essex Citizens' Advancement Association, community businessmen, industrial leaders and clergy with regard to improving race relations in the Amherstburg area.

An increased number of housing and employment complaints have been filed in the Windsor office and these are being processed. The Commission is currently undertaking affirmative action programs with government branches and firms in Windsor to hire minority group people. The initial response has been positive and several minority group persons have now been hired in before-the-public jobs that were hitherto unavailable to them.

To aid Mr. George Lewis, Miss Vickie Antone from the Oneida Reserve will be performing secretarial duties and Miss Judy Girard, a student from the University of Windsor, will be working during the summer as a Special Research Assistant.

Eastern Ontario Region

Since this office, based in Ottawa, opened in mid-January 1969, under the supervision of Mr. Pierre Brien, a steady number of complaints have been filed, particularly in housing and employment.

A liaison has been established with ethnic and minority groups, the Canadian Civil Liberties Association, universities, community organizations, and Social Planning Councils in Eastern Ontario. In addition, preventive action programs have been initiated in the schools to combat prejudice and discrimination. Two intergroup relations programs have been scheduled in Ottawa hospitals, one in June at the Ottawa General Hospital and another in the fall at the Civic Hospital.

Northern Region

Mr. Gerald A. Piper, Regional Supervisor for the Northern Regional Office and Mr. Bruce J. Lenton, Human Rights Officer, have embarked on an intensive program of visits to Indian communities throughout northern Ontario. The objectives of the visits are to establish communications with the communities, to acquaint Indian people with the human rights legislation and the services of the northern office and to distribute Commission literature. The Commission is seeking to co-ordinate its work with Indian communities with the Manpower Services Division of the Ontario Department of Labour, particularly the Athletics Commission, the Employment Standards Branch and the Industrial Training Branch.

To date, the following communities have been visited: Whitefish Bay, Sabaskong, Manitou, Couchiching, Seine River, Constance Lake, Whitefish Lake, Wikwemikong, Parry Island, McDiarmid, Whitedog, Grassy Narrows, Osnaburgh House and Temagami. The field trips are to continue and it is hoped that a maximum number of communities can be visited this year.

In addition to the program of visits to Indian communities, the northern officers have been travelling extensively since January, visiting the centres of Kenora, Fort Frances, Dryden, Beardmore, Sault Ste. Marie, Sudbury and Timiskaming where the officers have met variously with educators, clergy, government officials, union leaders and social service workers.

